

**Big Cypress National Preserve
ORV Advisory Committee Meeting
May 15, 2012**

Minutes

The Big Cypress National Preserve (BICY) ORV Advisory Committee (ORVAC) held their regularly scheduled meeting on May 15, 2012, at the Big Cypress Swamp Welcome Center, Ochopee, Florida. The meeting was called to order at 3:30 pm by Pedro Ramos, BICY Superintendent.

Committee Members Present: Franklin Adams, John Adornato, Robin Barnes, Jim Coletta, Brad Cornell, David Denham, Win Everham, Jorge Gutierrez, Chuck Hampton, Wayne Jenkins, Laurie Macdonald, Barbara Jean Powell, Jenny Richards, Dennis Wilson. **Not Present:** Manley Fuller, Karl Greer, Curt Witthoff. **BICY Staff Present:** Jared Barber, Nikita Carty, Ron Clark, Luke Conrad, Bob DeGross, Damon Doumlele, David Hamm, Robert MacKarvich, Renee Mackenzie, Pedro Ramos, Susan Rossi, Steve Schulze, Leslie Wells, Jill Wilson.

There were approximately 15 members of the public present.

The meeting was facilitated by Delia Clark.

Mr. Ramos led the Pledge of Allegiance, welcomed everyone, and turned the meeting over to Ms. Clark, who went over the agenda and explained the public comment periods. Written comments were to be addressed to the Committee and not the NPS, as this was a Committee meeting open to the public and not a public meeting. The meeting was being videotaped for the record.

Approval of Minutes. The minutes of the December 2011 and February 2012 meetings were approved without corrections.

ORVAC Protocols. The revised ORVAC protocols discussed at the February meeting were presented to the Committee for approval. The two major discussion items were 1) whether to include Mr. Adornato's suggested wording on consensus, and 2) whether to include Mr. Adams' suggestion on designated and dispersed camping as an item within Committee discussion. These items and others suggested by Ms. Macdonald were adopted by the Committee. The approved protocols with changes to items A.8, A.12, B.18, and B.19 are attached.

Superintendent's Report. In the interest of time, Mr. Ramos asked if the Committee had any questions on any ongoing BICY issues. He brought the ORVAC up to date on trail stabilization work, the pending Corps of Engineers permit, and construction of the I-75 mile marker 51 recreational access. He mentioned a public meeting held at the Big Cypress Sanctuary to bring residents there up to date on the access work. Ms. Powell noted that the public and the ORVAC should be more engaged in the mile marker 51 access process.

ORV Trail Monitoring. Mr. Schulze gave a presentation on monitoring of ORV trails. He explained that there were two projects that require monitoring: Bear Island and stabilized trails. The Bear Island project involves quarterly monitoring of 20 photopoints along the Cypress Camp, Plains, and Hinson trails. Challenges include time required for monitoring, water levels, and cost. The stabilized trail monitoring is required by the Corps of Engineers permit for stabilizing trails in wetlands. Sites are monitored twice a year at two locations each in Corn Dance Unit and Zone 3, one location in Zone 2, and four locations in the Turner River Unit. In addition to photos taken of the trails, parameters monitored include trail width and elevation, water flow and turbidity, and presence or absence of an oily sheen or exotic plants.

The Committee appointed a Monitoring Subcommittee consisting of Dr. Everham, Ms. Macdonald, Dr. Richards, Mr. Wilson, Ms. Powell, Mr. Cornell, and Mr. Adornato. The subcommittee would most likely meet by conference call.

Public Comment on ORV Trail Monitoring. Shannon Larsen was concerned with the Committee and the ORV trails. She had obtained a copy of the Corps of Engineers trail stabilization permit and noted that the trail monitoring plan said that the trail fill cannot exceed five inches in thickness. She said that more monitoring should be done before getting a permit for trails in the Addition.

Bobby C. Billie was against buggies and trails. He said that the indigenous people were concerned about the future of the water and trees. He questioned how you could enjoy a natural area if you destroy it.

Frank Denninger (Everglades Coordinating Council) said that impacts were aesthetic. Photographs need to be laminated and numbered to make sure each photo is taken from the same spot and for consistency. He noted that meeting by conference call was inconsistent with the Committee's insistence on meeting attendance in person.

Lyle McCandless (Big Cypress Sportsmen's Alliance) was concerned with monitoring the closed trail in Bear Island. When that trail is opened, buggy marks will be obvious. He supported annual monitoring and asked that video cameras be used on a buggy to capture an entire trail. He believed that monitoring is less necessary now that there are fewer buggies and they are required to use designated trails.

Presentation by Bobby C. Billie. Mr. Billie gave a presentation on the indigenous people. He said that his culture relies on the future. The indigenous people are concerned about changes. Fifty years ago there was more water in this area. The underwater river has been cut. The Water Management District and Army Corps of Engineers have changed things. Mother Earth nourishes us. Changes have to be stopped; ditches have to be covered. Changing water levels kills animals. There used to be more birds and fish. The people used to have gardens; the NPS stopped this. The indigenous people are not going away; they are living by natural law; they never took a handout from the U.S. Their way of life is being disturbed. There are too many roads, houses, cars, and people. To control life you need to control the population. Roads need to be closed and the number of buggies cut.

After the presentation, Mr. Wilson asked when the L-28 Interceptor Canal in Indian lands will be filled in, and Rory Feeney of the Miccosukee Tribe said that a federal permit would be required. He said that the tribe has partnered with state and federal agencies to restore 9,000 acres of tribal property. When asked what he sought by coming to the ORVAC, Mr. Billie replied that change has occurred and it has hurt the indigenous people. They are recognized by the Creator and do not need federal recognition.

Blockhouse Camp Trail Review. Mr. DeGross reported that the NPS had decided not to reroute the Oasis Trail in the vicinity of the Blockhouse camp as requested by the camp owners. The reasons were that the existing trail is a very well-established trail, and rerouting the trail would result in unacceptable resource impacts.

ORV Management in Zone 3. Mr. DeGross reminded the Committee that the Stairsteps Subcommittee had brought a recommended trail network for the Stairsteps Unit to the Committee at the last ORVAC meeting. The Committee responded that they could not move forward without further details. Mr. DeGross reported that there was no guidance in the NPS archives related to ORV management in the Stairsteps. He asked the Committee for a recommendation on how Zone 3 should be managed for both wheeled vehicles and airboats. Dr. Everham asked for the current miles of trails in Zone 3, and Mr. DeGross reported that that are currently 3.23 miles of primary trails, and if all of the suggested trails were designated, the total primary trail miles would be 27. Mr. Adams stated that when he travelled Zone 3 years ago, wet and dry seasons dictated what kind of vehicle (half-track, buggy, airboat) he would use. Mr. Gutierrez added that the choice of vehicle type should be left up to the user, not the NPS. Mr. Cornell, through a written statement, felt that there could be two trail types, one for airboats and one for wheeled vehicles. Alternatively, there could be conditional use, or airboat trails switching to wheeled use as the dry season progresses, and vice versa for the wet season. Mr. Adornato said that if airboats and buggies sharing the same trails is a safety concern, then the NPS should provide regulations to ensure visitor safety. Committee members suggested improving safety by using flags on vehicles and airboats shutting down their engines at narrow trail points to listen for other vehicles. Ms. Powell noted that the primary trail mileage limits for each management unit described in the ORV plan do not add up to 400 miles, and therefore there is some leeway in the unit limits.

Public Comment on ORV Management in Zone 3. Charles Barley, a member of the Zone 3 Subcommittee, said that the Subcommittee was trying to make a trail system that works. If a piece of the system is removed, the whole system will not work.

Eric Kimmel agreed with Mr. Adams that hydrology is one of the main triggers and that it is common practice for airboat tour operators to shut down their engines at intersections. He felt that Pace's Dike Trail should be a secondary trail, not primary. He had checked with Collier County and did not find any records of accidents involving ORVs on US 41, Turner River Road, Birdon Road, or Wagonwheel Road. He said that a lot of the buggy/airboat activity is self-regulating.

Lyle McCandless (Big Cypress Sportsmen's Alliance) reminded the Committee that there are twice as many sustainable miles of trails in the Addition as reported by the NPS. There is no

need for the buffer zone between the existing Preserve and the Addition Lands south. The Committee should have been involved in the Addition process earlier. There is too much walk-in acreage set aside; Mr. McCandless will put forth a big effort to get reasonable buggy access to these areas. The Corps of Engineers should give a written explanation regarding the holdup in the Bear Island trail permit process. Regarding the presentation by Mr. Billie, he said everyone has to work together.

Frank Denninger said that the University of Virginia study concluded there were 400 miles of trails in Zone 3; now people are restricted to 25 miles. There are no safety issues with airboats. There used to be hundreds of them; now there are about ten. Pace's Dike Trail should be a secondary trail because there is not much of an inventory of primary trails left.

Bobby C. Billie said that Zone 3 is out of control. Flags on airboats will not work. Closed areas should stay closed for the animals to have a place to go for safety.

Shannon Larsen said that ORV users want the past back, yet they say that Mr. Billie is living in the past. The area needs to be left alone. There is no reason to continue to put trails where they do not need to be. Seasons and water levels need to be taken into consideration.

ORV Management in Zone 3—Further Committee Discussion. Ms. Powell said she wanted to correct the record. She said that before the area was closed, it was the most productive deer habitat in the Everglades region. In the ten years the area was closed, the populations of deer, panthers, and seaside sparrow collapsed while the python population exploded. The airboat trails had provided wildlife habitat. Wilderness does not work in the Everglades region.

Mr. Adornato pointed out that the ORV plan states that the Sig Walker access point is for airboats only, and Pace's Dike access is only for swamp buggies and ATVs.

Dr. Everham noted that the ORV plan allows for airboats and wheeled ORVS in Zone 3 on 25 miles of designated trails, and it is up to the Committee to make that work.

Discussion followed over the accessibility of Zone 3 given ORV plan requirements and natural barriers to wheeled ORVS such as Gum Slough.

Mr. DeGross clarified that the boundary between Zones 3 and 4 is conceptual and that the actual boundary is Dayhoff Slough and Gum Slough.

Mr. Gutierrez advocated a common-sense approach.

Mr. Ramos stressed that Zone 3 was a high priority.

Ms. Macdonald stated that she felt the rectangular trail east of Pace's Dike should be a primary trail but was concerned about setting a precedent. Since the trail does not fit the definition of a secondary trail, she suggested a third alternative of making it a hiking trail. She also said the Committee needed more information on the Cape Sable seaside sparrow before they could make

a trail recommendation in that area. Mr. Ramos responded that a link to sparrow information had already been provided. The link will be resent.

General Public Comment. Shannon Larsen said that people go into the area drinking, etc. The Committee has the right to say there will be no trails. There is a history of closing the area, and there are people still alive who were at a meeting where it was decided to close the area. It needs to remain closed.

Bobby C. Billie said that in regards to flags and lights on airboats, people will still get killed on airboats from drinking. If an area is opened up, NPS will have a lot of work to do.

Frank Denninger (Everglades Coordinating Council) supported the next Corn Dance Unit/Stairsteps Unit Subcommittee meeting. He said that he and Mr. Billie are not that far apart in their thinking.

Lyle McCandless (Big Cypress Sportsmen's Alliance) went to the recent meeting in the Big Cypress Sanctuary. He supported walk-in hunting. He had a suggestion for hunters accessing Nobles Grade.

Eric Kimmel said that adaptive management could be used in allowing swamp buggies and airboats on the Sig Walker Trail.

Bill Clark agreed with Ms. Powell on animals disappearing from the area since it was closed. He said that locals should be listened to regarding trails.

Attachment

ORV Advisory Committee Protocols Adopted 2007 – 2009, Revised and Approved May 15, 2012

A. Working Principles and Ground Rules

In order to accomplish the purposes of building cooperative working relationships among Big Cypress stakeholder communities that will last far beyond the life of the committee and setting aside past conflicts or adversarial relationships to help the Committee move forward toward lasting outcomes, the ORVAC committee members have adopted the following working principles and ground rules:

1. Commit to participate in good faith and devote the time necessary to contribute meaningfully to the process, including attending meetings faithfully and reviewing material provided in advance so as to arrive prepared.
2. Recognize that each participant brings to the table different perspectives, interests, and values. Be open-minded and receptive of the ideas and views of fellow Committee members and the public, and be honest, transparent, and specific about your own concerns or interests.
3. Listen! Be attentive and respectfully listen to fellow Committee members and the public, even a lone voice.
4. Never engage in personal criticism or harassment. Focus on issues, not personalities.
5. Speak only when recognized and allow others to finish speaking without interruption before seeking recognition. Be concise and deliver comments succinctly so all will have an opportunity to speak.
6. Avoid assigning or presuming another person's intentions. Seek clarification.
7. Take personal responsibility for reviewing Committee notes and minutes to assure your comments are accurately recorded.
8. If not in agreement with a proposed recommendation, solution, or outcome, present an alternative that reflects and incorporates, to the extent possible, the needs and desires of other Committee members and the public, consistent with the NPS mission. Build upon the ideas of others in a collaborative manner. Look for a "win-win" solution that incorporates diverse perspectives and draws on the best ideas of all.
9. Stay focused on the official agenda for each meeting. If you have other issues to bring up, explain how they connect to the agenda, or request that they are placed on an addendum to the agenda (time permitting) or on a future agenda.
10. Turn off or mute cell phones before the meetings start. Do not accept or make phone calls unless they relate to an emergency. Request this of the public as well.
11. Meetings are held face-to-face. If a member is unable to join the meeting in person he or she should not plan on joining by phone. In extreme circumstances, however, a member may request permission of the group to join part or all of a meeting by phone. This practice is discouraged and such requests may or may not meet with approval.
12. The ORVAC makes decisions by consensus, in an effort to arrive at decisions that are better than could arise from a single perspective, and in order to avoid the win/lose polarization that characterized past ORV discussions. Utilizing the "Orange Line" protocol, the ORVAC strives whenever possible to move all decisions above the orange line, with all committee members either 1) Supporting the decision or 2) Accepting the decision, being able to live

with it, or not opposing it. If we are not able to do this, decisions below the orange line involve members either 3) Needing specifically identified additional information before being able to decide, or 4) Opposing the decision, in which case the differing viewpoints and supporting rationales are recorded in the minutes and presented to NPS staff. All recommendations of the ORVAC are subject to ground-truthing and policy review by NPS staff, in compliance with the 2000 Plan and other applicable policies. NPS will report their findings back to the ORVAC. In the case of the need for time sensitive recommendations, for which there is not ample time for a full consensus decision-making process, the ORVAC may choose to go to “conditional approval”, in which a member of the committee or the committee as a whole may agree to support the recommendation, subject to the ground-truthing and policy review by NPS staff.

B. Areas Within the Scope of Committee Discussion

Areas within the scope of committee discussion include, but are not limited to:

1. Vehicle specifications – Examples: tire pressure, vehicle types and weight, length and width of airboats
2. Development of lottery system
3. Trail alignment/re-alignment
4. Access points
5. Trail treatment techniques
6. Education/compliance programs
 - incentive programs for compliance
7. Signs/trail markings
8. Volunteer activities/programs
 - Adopt a Trail
9. Seasonal/temporal closures
10. Trail names
11. Defining visitor experience
12. Trail classifications via
 - a. vehicle type
 - b. level of difficulty
13. Conflicts in use
14. Illegal vehicle activity enforcement
15. Adaptive management
16. Primary and secondary trail recommendations
17. Relationship of ORV trails to hiking trails
18. Designated and dispersed camping
19. Relevant science, research and management
20. Other areas requested by NPS staff

C. Areas Outside the Scope of Committee Discussion

1. Re-opening the Environmental Impact Statement – Example: Exceeding the establishment of 400 miles of primary trail
2. Re-instituting dispersed use
4. Increasing number of permits

5. Non-recreational use of ORVs

D. Media Relations

1. No committee member shall make statements to the media on behalf of the Committee unless the person is specifically authorized by the Committee to be an official spokesperson, nor unless the general content of the statement is approved in advance by the Committee and the NPS.
2. Committee members are not prohibited from exercising their right to communicate with the media as individuals but will not attempt to characterize the motives, views, comments, or opinions of other members or of the Committee as a whole.
3. As the media cannot always be relied upon to accurately reflect the content, tone, and context of an interviewee's remarks, Committee members are strongly urged to use caution and restraint when choosing to exercise their right to communicate with the media as individuals.
4. Committee members will not use the media as a tool to influence committee deliberations.

E. Subcommittees

1. Establishment of subcommittees. Subcommittees and their membership may be established by the Committee, as needed, to provide a greater level of focus on particular issues and to develop information findings and/or suggestions for recommendations to present to the full Committee for discussion and action on recommendation to NPS staff. Other findings may include identification of information needs and pros/cons of different approaches.

The Committee may provide in its charge to a subcommittee whatever level of guidance it deems necessary related to the subcommittee's focus and process.

2. Subcommittee membership. Committee members are encouraged to actively participate on subcommittees, to the extent possible.

Subcommittee membership must be approved by the Committee and may be comprised of anyone with interest in and knowledge of the subject matter the subcommittee is charged with addressing. In addition to Committee members themselves, at the discretion of the Committee, membership may include, but not be limited to: members of the public; representatives of stakeholder organizations; representatives of subject-related industry; and representatives of county, state or federal agencies. In addition, members of the public may be brought in to particular subcommittee meetings to provide subject matter expertise or personal experience, without becoming subcommittee members.

The Committee will strive to assure there is balanced representation on the subcommittees.

Subcommittee members must agree to abide by the Working Principles and Ground Rules adopted by the Committee.

3. Subcommittee meeting process. Subcommittee meetings will be conducted in accordance with guidelines and ground rules established by the Committee, consistent with FACA.

Subcommittees may be convened with the assistance of the facilitation team.

4. Subcommittee products. Subcommittees are not authorized to make decisions for the Committee; their sole role is to gather information, develop options, or make recommendations, and report back to the Committee.
5. NPS provides information as requested, such as scientific expertise.

F. Public Participation at ORVAC Meetings

1. ORVAC meetings are open to the public, and times will be published in the agenda to allow the public to comment on specific topics scheduled for ORVAC consideration. These times might vary slightly from the schedule, but not significantly. There will also be a time on the agenda set aside for general public comment on any topic, although such comments should be related to ORV management in the Preserve.
2. ORVAC meetings are not public hearings, interrogations, or debates.
3. Individuals wishing to speak on topics not on the agenda will be encouraged to speak during the general comment period or communicate with the ORVAC or NPS through other means, i.e., letter, email, links on Preserve website, etc.
4. The public will not generally be allowed to speak other than during designated public comment periods. An exception may be if the ORVAC asks an individual to address the Committee on a topic for which the individual has particular knowledge, or if the person is serving as a member of an ORVAC subcommittee. Otherwise, public members of subcommittees will be considered as members of the public during ORVAC meetings and will remain in the audience.
5. Individuals should print their name on the posted list indicating which scheduled comment period(s) in which they wish to speak. When the time for a comment period arrives, the facilitator will collect the list and permit individuals to speak according to the topic at hand.
6. If more individuals wish to speak, as indicated on the list, than the time allotted on the agenda for the topic allows, the facilitator may cut off further comment or extend the comment period, at the ORVAC's discretion.
7. If all speakers who signed the list have been allowed to speak and time allows, the facilitator may ask the audience if anyone else desires to speak on the topic at hand.
8. The facilitator should not allow anyone to speak twice during a given comment period until everyone has had the opportunity to speak once, and only if time allows.

9. Speakers will only address the topic at hand and will have up to three minutes to speak. This will be strictly enforced.
10. In order to ensure that all speakers are given equal treatment, individuals will not be allowed to “yield their time” to other speakers, nor will any speaker be allowed to exceed the three-minute limit for any reason. Speakers will also not be allowed to claim a separate time slot in order to speak for someone who is not present. If someone is unable to attend the meeting, they may express their views to the subcommittee by writing, calling, or emailing.
11. If a speaker wishes his comments to be recorded verbatim for the record, he must submit them in writing. Otherwise, his comments will be paraphrased for the minutes.
12. Speakers will stick to the subject and refrain from personal attacks. The facilitator will warn the speaker if this rule is violated, and if the violation persists, will ask the speaker to cease his remarks and be seated.
13. During times reserved for public comment, speakers may only express their opinions concerning the topic and may not question the ORVAC, NPS staff, or anyone else present at the meeting. Such questions should be reserved for times before or after the meeting or during breaks. However, speakers may choose to use their time to enumerate questions they have that they have related to the topic that they would like the ORVAC to address at a future time.